



DNK-1998-055-PA-DIV2:JBM:141993v2

Atty. Dkt. 4002-2533

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
Branch et al.) Examiner
Serial No. 09/870,023)
Filed 5/30/01)
INTERBODY FUSION GRAFTS AND INSTRUMENTATION) September 25, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on September 25, 2001.

James B. Myers, Jr.
Name of Registered Representative
James B. Myers Jr.
Signature
September 25, 2001
Date of Signature

**SUBMISSION OF MISSING PARTS OF APPLICATION
UNDER 37 CFR 1.53(b)**

Hon. Commissioner for Patents
BOX MISSING PARTS
Washington, D.C. 20231

Dear Sir:

In response to the Notice to File Missing Parts dated June 14, 2001, please consider the following. Pursuant to the Notice to File Missing Parts of Application received for the above application, Applicants submit herewith a signed Declaration and Power of Attorney for Charles L. Branch.

A Request for an Extension of Time is submitted concurrent with this Response. Additionally, please charge any fees which may be due or credit any overpayment to Deposit Account No. 23-3030, but not to include payment of any issue fees that are or become due

Respectfully submitted,

By: James B. Myers Jr.

James B. Myers Jr., Reg. No. 42,021

Woodard, Emhardt, Naughton

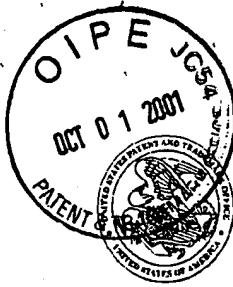
Moriarty & McNett

Bank One Center/Tower

111 Monument Circle, Suite 3700

Indianapolis, Indiana 46204-5137

(317) 634-3456 Fax No. (317) 637-7561



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/870,023	05/30/2001	Charles L. Branch	4002-2533

CONFIRMATION NO. 9301

FORMALITIES LETTER



OC000000006184103

James B. Myers Jr.
Woodard, Emhardt, Naughton, Moriarty & McNett
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

Date Mailed: 06/14/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

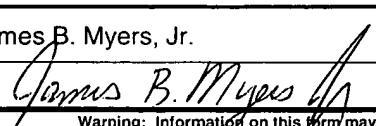
N SECTOR 100

WENMM/SB/17 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

IP FEE TRANSMITTAL FOR FY 2001 <small>Patent fees are subject to annual revision.</small>					Complete if Known																																																																																																																																																																																								
					<table border="1"> <tr> <td>Application Number</td> <td colspan="4">09/870,023</td> </tr> <tr> <td>Filing Date</td> <td colspan="4">May 30, 2001</td> </tr> <tr> <td>First Named Inventor</td> <td colspan="4">Branch et al.</td> </tr> <tr> <td>Group Art Unit</td> <td colspan="4">3731</td> </tr> <tr> <td>Examiner Name</td> <td colspan="4">Unknown</td> </tr> </table>					Application Number	09/870,023				Filing Date	May 30, 2001				First Named Inventor	Branch et al.				Group Art Unit	3731				Examiner Name	Unknown																																																																																																																																																														
Application Number	09/870,023																																																																																																																																																																																												
Filing Date	May 30, 2001																																																																																																																																																																																												
First Named Inventor	Branch et al.																																																																																																																																																																																												
Group Art Unit	3731																																																																																																																																																																																												
Examiner Name	Unknown																																																																																																																																																																																												
<input checked="" type="checkbox"/> Total Amount of Payment		(\$ 280.00)			Attorney Docket Number 4002-2533																																																																																																																																																																																								
METHOD OF PAYMENT					FEE CALCULATION (continued)																																																																																																																																																																																								
1. <input type="checkbox"/> Deposit Account Number 23-3030 Deposit Account Name Woodard, Emhardt, Naughton, Moriarty & McNett					3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge – late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge – late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td>\$280.00</td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive – unavoidable</td><td></td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td>Petition to revive – unintentional</td><td></td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>179</td><td>710</td><td>279</td><td>355</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr> <td colspan="5"> Other Fee (specify) * Reduced by Basic Filing Fee Paid </td> <td> SUBTOTAL (3) (\$ 280.00) </td> </tr> </tbody> </table>					Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge – late filing fee or oath		127	50	227	25	Surcharge – late provisional filing fee or cover sheet.		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	390	216	195	Extension for reply within second month	\$280.00	117	890	217	445	Extension for reply within third month		118	1,390	218	695	Extension for reply within fourth month		128	1,890	228	945	Extension for reply within fifth month		119	310	219	155	Notice of Appeal		120	310	220	155	Filing a brief in support of an appeal		121	270	221	135	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive – unavoidable		141	1,240	241	620	Petition to revive – unintentional		142	1,240	242	620	Utility issue fee (or reissue)		143	440	243	220	Design issue fee		144	600	244	300	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Petitions related to provisional applications		126	180	126	180	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))		149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))		179	710	279	355	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application		Other Fee (specify) * Reduced by Basic Filing Fee Paid					SUBTOTAL (3) (\$ 280.00)
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																								
105	130	205	65	Surcharge – late filing fee or oath																																																																																																																																																																																									
127	50	227	25	Surcharge – late provisional filing fee or cover sheet.																																																																																																																																																																																									
139	130	139	130	Non-English specification																																																																																																																																																																																									
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination																																																																																																																																																																																									
112	920*	112	920*	Requesting publication of SIR prior to Examiner																																																																																																																																																																																									
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																									
115	110	215	55	Extension for reply within first month																																																																																																																																																																																									
116	390	216	195	Extension for reply within second month	\$280.00																																																																																																																																																																																								
117	890	217	445	Extension for reply within third month																																																																																																																																																																																									
118	1,390	218	695	Extension for reply within fourth month																																																																																																																																																																																									
128	1,890	228	945	Extension for reply within fifth month																																																																																																																																																																																									
119	310	219	155	Notice of Appeal																																																																																																																																																																																									
120	310	220	155	Filing a brief in support of an appeal																																																																																																																																																																																									
121	270	221	135	Request for oral hearing																																																																																																																																																																																									
138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																																																									
140	110	240	55	Petition to revive – unavoidable																																																																																																																																																																																									
141	1,240	241	620	Petition to revive – unintentional																																																																																																																																																																																									
142	1,240	242	620	Utility issue fee (or reissue)																																																																																																																																																																																									
143	440	243	220	Design issue fee																																																																																																																																																																																									
144	600	244	300	Plant issue fee																																																																																																																																																																																									
122	130	122	130	Petitions to the Commissioner																																																																																																																																																																																									
123	50	123	50	Petitions related to provisional applications																																																																																																																																																																																									
126	180	126	180	Submission of Information Disclosure Stmt																																																																																																																																																																																									
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																									
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																									
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																									
179	710	279	355	Request for Continued Examination (RCE)																																																																																																																																																																																									
169	900	169	900	Request for expedited examination of a design application																																																																																																																																																																																									
Other Fee (specify) * Reduced by Basic Filing Fee Paid					SUBTOTAL (3) (\$ 280.00)																																																																																																																																																																																								
* or number previously paid, if greater; For Reissues, see above																																																																																																																																																																																													

SUBMITTED BY		Complete (if applicable)					
Name (Print/Type)		James B. Myers, Jr.		Registration No. (Attorney/Agent)	42,021	Telephone	(317) 634-3456
Signature				Date	September 25, 2001		

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 202031.